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Application No. 10/717,131

Reply to Office Action

*REMARKS/ARGUMENTS**The Present Invention and the Pending Claims*

Claims 1-15 are currently pending. Claims 1-9, 14, and 15 are directed to a resin composition comprising a polyolefin resin (A), a metal soap (B), a saponified product (C) of an ethylene-vinyl acetate copolymer, and a hydrotalcite compound and/or a hydrotalcite solid solution (D). Claims 10-13 are directed to a ground laminate composition involving the aforesaid resin composition.

Summary of the Claim Amendments

Claims 1 and 9 have been amended to recite a saponified product (C) of an ethylene-vinyl acetate copolymer having an ethylene content of 80-95 mol% and 82-95 mol%, respectively, as supported by the specification at, for example, page 5, lines 24-29. Claims 10-13 have been amended to correct an obvious typographical error. New claims 14 and 15 have been added and are supported by the specification at, for example, page 5, lines 24-29, and Example 2. No new matter has been added by way of these amendments.

Summary of the Office Action

Claims 10-13 have been objected to for containing a typographical error. Claims 1-13 have been rejected under 35 U.S.C. § 103(a), as allegedly obvious over Iwanami et al. (U.S. Patent 4,954,557) in combination with Onishi et al. (EP 1,043,361). Reconsideration of the pending claims is hereby requested.

Discussion of the Claim Objection

Claims 10-13 have been objected to for containing the term "rein layer" rather than "resin layer." Claims 10-13 have been amended to correct this obvious typographical error. In view of the amended claims, this objection has been overcome.

Discussion of the Obviousness Rejection

Claims 1-13 allegedly are obvious over Iwanami et al. in combination with Onishi et al. Iwanami et al. allegedly discloses a resin composition comprising a mixture of an olefin

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resin, a hydrolyzed ethylene-vinyl acetate copolymer having an ethylene content of 20-80 mol% and a saponification degree of a vinyl acetate component of at least 90 mol%, and a hydrotalcite solid solution. However, Iwanami et al. does not disclose the metal soap (B) of the formula (1) made by a dry direct method. Onishi et al. allegedly discloses a metal soap with the claimed formula that is made by a dry direct method. According to the Examiner, it would have been obvious to combine the disclosures of Iwanami et al. and Onishi et al., since Onishi et al. reportedly recognizes the benefits of using a dry direct method to prepare the metal soap. Moreover, according to the Examiner, Onishi et al. discloses a species within the genus of the metal soap disclosed by Iwanami et al., so one of ordinary skill in the art would have had a reasonable expectation of success using the metal soap disclosed by Onishi et al.

Iwanami et al. discloses the use of EVOH in a resin composition to improve the gas barrier property, wherein the ethylene content of EVOH in the resin composition is 20-80 mol% (col. 3, lines 1-5). Iwanami et al. further discloses that an ethylene content of EVOH of more than 80 mol% is not preferable because oxygen permeability is lowered (col. 3, lines 7-9). Specifically, the ethylene contents for EVOH in resin compositions in all of the Examples of Iwanami et al. are 31 mol% (A-1) or 40 mol% (A-2) (see Table 1).

Onishi et al. discloses that the ethylene content of EVOH in the resin composition is 20-60 mol%. Onishi et al. teaches away from an ethylene content of EVOH of more than 60 mol% because a sufficient gas barrier property will not be obtained (paragraph [0019]).

Therefore, none of the cited references teaches or suggests adjusting the ethylene content of EVOH (C) to 80-95 mol% of the resin composition, as required by the amended claims.

Indeed, the high value range of 80-95 mol% of the ethylene content of EVOH (C) in a resin composition would not be conceived of by one of ordinary skill in the art from the disclosure of Iwanami et al., which recites the upper limit of the ethylene content to be 80 mol% and actually uses low ethylene contents of 31 mol% and 40 mol% (see Examples). In addition, one of ordinary skill in the art would not arrive at the claimed range of 80-95 mol% of the ethylene content when referring to the disclosure Onishi et al., since Onishi et al. teaches away from amounts greater than 60 mol%.

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Moreover, the present invention has benefits that are unexpected in view of Iwanami et al. and Onishi et al., thereby further evidencing the unobviousness of the present invention. In particular, due to the specific combination of elements in the present invention, as defined by the amended claims, the inventive resin composition can provide excellent long-run formability (e.g., surface smoothness, suppression of fish eye, and pigment dispersibility), a suppressive effect on die build-up, and superior transparency and gas barrier properties when it is added to a regrind layer during formation of a laminate having a regrind layer. See, for example, specification page 32, lines 1-8, and Examples 1-6.

Since the cited references, either alone or in combination, do not disclose all of the elements of the pending claims, the subject matter of claims 1-15 cannot properly be said to have been obvious in view of Iwanami et al. and Onishi et al. Accordingly, the obviousness rejection in view of these references should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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